

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MARCH 22, 1999
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Wear at 2:15 p.m. Mayor Golding adjourned the meeting at 6:56 p.m. to convene the Special Meeting in Council Chambers.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-excused by R-291466 (other official City business)

(4) Council Member Stevens-present

(5) Council Member Warden-present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Abdelnour/Fishkin (lw)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-not present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Kent Sperry of good Shepherd Lutheran Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Mathis.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comments by Gail Stoorza and Carol Wallace regarding the San Diego Convention Center rated as third in the world. An award was presented to Deputy Mayor Wear.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A037-071.)

PUBLIC COMMENT-2:

Comments by Avery Wear, Roger Scott, Norma Rossi, Gayle Jenkins, and Julie Gordon-Moore regarding the homeless shelter.

City staff gave a report regarding the help given to homeless people and announced the information phone number to call for assistance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A072-288.)

PUBLIC COMMENT-3:

Comment by Don Stillwell regarding money management and the main library.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A289-317.)

PUBLIC COMMENT-4: REFERRED TO CITY MANAGER

Comment by Darlene Davis regarding taxicab driver safety which she believes is being compromised by the Metropolitan Transit Development Board.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A318-357.)

PUBLIC COMMENT-5: REFERRED TO CITY MANAGER AND CITY ATTORNEY

Comment by James Lambert regarding a branch of the F Street bookstore being located too close to residential housing in the Pacific Beach area.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A358-389.)

PUBLIC COMMENT-6:

Comment by Michael Kumeta regarding pornography and obscene material being passed out. He said San Diego is known as a mecca for the porn trade.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A390-431.)

PUBLIC COMMENT-7:

Comment by Walt Hall regarding matching funds not being available for the Park and Recreation Fund. He said there will not be any available for ten months.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A432-448.)

PUBLIC COMMENT-8:

Comment by Paul Kennerson also regarding matching funds and the fact that there will not be any available until November 1999.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A449-498.)

PUBLIC COMMENT-9:

Comment by Laura Mallgren regarding dogs off-leash at Mission Trails Regional Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A499-541.)

PUBLIC COMMENT-10:

Comment by Sylvia Sullivan regarding the pollution problems of pornography.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A585-674.)

PUBLIC COMMENT-11:

Comment by Daniel Beeman regarding the lack of information on the ballpark.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A675-B058.)

PUBLIC COMMENT-12:

Comment by Ron Boshun regarding land use at the Naval Training Center.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B059-086.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Stevens regarding a senior in his district who risked his health and safety to help a San Diego Police Officer apprehend a domestic violence suspect. Mr. Hicks helped control the suspect until other officers arrived. A special commendation will be forwarded to Mr. Hicks.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B116-125.)

COUNCIL COMMENT-2:

Comment by Council Member Warden regarding something that happened in Linda Vista over the weekend. Several MBA students from the University of San Diego collected donations of about \$10,000 and completely rehabilitated an elderly man's home. The students landscaped, painted, put in new tiles in the kitchen, and installed a new fence. She thanked the people who were involved.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B126-133.)

COUNCIL COMMENT-3:

Comment by Council Member McCarty regarding a billboard in her district. She thanked the people for taking it down due to the numerous complaints she received.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B134-139.)

COUNCIL COMMENT-4:

Council Member Vargas thanked Council Member McCarty for the wonderful work done at Mission Trails. Out of all the visitors that day, he and his wife and daughter were numbers 345, 346, and 347. He said Ms. McCarty was the guiding light for that center and he and his family had a great time.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B140-146.)

COUNCIL COMMENT-5:

Council Member Stevens commended Council Member McCarty for her leadership in the county and in the City of San Diego with regards to the library issue. He said it was the most outstanding efforts of any Councilmember since he has been on the Council.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B147-160.)

ITEM-30: Approval of Council Minutes

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

02/08/99 Adjourned
02/09/99 Adjourned
2/09/99 Special Meeting
2/15/99 Adjourned
2/16/99
2/22/99 Adjourned
2/23/99 Adjourned
3/01/99 Adjourned
3/02/99 Adjourned

3/08/99 Adjourned

3/09/99 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B221-223.)

MOTION BY STALLINGS TO APPROVE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31: Special Presentation Honoring the 1999 Grand Prize Winners in the Essay Contest Hosted by the San Diego Public Library, San Diego Unified School District and the Friends of the Public Library.

TODAY'S ACTION IS: PRESENTED

In honor of the 1999 Grand Prize Winners in the Essay Contest hosted by the San Diego Public Library, San Diego Unified School District, and the Friends of the Public Library, Mayor Susan Golding will present certificates to the following students: Robert Anthony Amezquita, Coco Mead, Spencer Williams, Eddie Gallagher, Janet Bramlett, Erika Patterson, Keith McCabe, Gwendolyn Baldwin, Hana Dalton, Chad Valderama and Quang Dao..

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B161-220.)

ITEM-32: The Salvation Army's Ray and Joan Kroc Community Center Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-99-856) ADOPTED AS RESOLUTION R-291311

Recognizing the importance of the Salvation Army's continuing commitment to the community and the significant impact the Ray and Joan Kroc Community Center

will have on all of San Diego, and proclaiming March 22, 1999, as "The Salvation Army's Ray and Joan Kroc Community Center Day."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B226-275; B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-50: Utility Installation in Public Right-of-Way.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-99-97) TRAILED TO MARCH 23, 1999

Introduction of an Ordinance amending the San Diego Municipal Code Chapter VI, Article 2, Division 11, Section 62.1112, related to Relocation of Installations.

CITY MANAGER SUPPORTING INFORMATION:

A couple of years ago, the San Diego Municipal Code was modified such that: a) it was clarified that a utility company that owned a utility installation located in the public right-of way would bear the cost of any relocation of the facility if such a relocation was necessary to accommodate a governmental purpose, (such as a CIP project); and b) if the relocation of the facility was necessary to accommodate another private entity then the cost of the relocation or removal would be born by the private entity.

The present modification is being proposed to clarify that if a party other than the City was accomplishing the governmental purpose, than the utility would bear the cost and clarifying that this applies to any private entity, not just a "person", as the Municipal Code currently indicates.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO TRAIL TO MARCH 23, 1999 AS REQUESTED BY A MEMBER OF THE PUBLIC. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51: Transfer of Non-Exclusive Agreement from Tony & Son, Inc., to Dominion Disposal.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-99-92) INTRODUCED, TO BE ADOPTED APRIL 12, 1999

Introduction of an Ordinance transferring the non-exclusive agreement from Tony & Son, Inc. to Dominion Disposal for solid waste hauling services.

CITY MANAGER SUPPORTING INFORMATION:

On December 13, 1996, the City Council enacted Ordinance Number R-18353 which amended the Municipal Code to establish Non-Exclusive Franchises for solid waste haulers and authorized the City Manager to execute Non-Exclusive Franchise Agreements with the City's 17 existing licensed solid waste haulers. Under City Charter Section 103, these franchises can be transferred by an ordinance of the Council. Charter Section 103 states as follows: "For the purpose of this Section, a Council approved transfer shall be required when there is any change in the legal structure of the entity which holds the franchise, which change alters the ownership or control of the entity. Such changes include, but are not necessarily limited to, sale, lease, assignment...." It further states that "Absent Council approval, the franchise shall not be deemed to have been transferred to the new entity."

On October 17, 1998, Dominion Disposal acquired all assets of Tony & Son, Inc. and subsequently applied to have the franchise transferred to Dominion Disposal. City staff has reviewed the application and determined that Dominion Disposal possesses all the technical and financial requirements to receive a Non-Exclusive Franchise and that the transfer will not have an adverse impact on completion for solid waste hauling services in the City of San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO INTRODUCE THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100: Apartment Vacancy Rate Determination Regarding Conditional Use Permits for Companion Units.

(See Report to the Planning Commission P-99-022 dated 2/3/99.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-985) ADOPTED AS RESOLUTION R-291312

Declaring that the Citywide average vacancy rate for residential rental units in the City of San Diego is determined not to have exceeded five percent for the calendar year 1998;

Declaring that pursuant to the determination and the provisions of the San Diego Municipal Code Section 101.0512, the regulations contained in Section 101.0512 will become effective from April 1, 1999 to April 1, 2000.

CITY MANAGER SUPPORTING INFORMATION:

Every year the City Council is required to determine whether the average annual vacancy rate for residential units during the previous calendar year was greater than or less than five percent. This determination is required by the San Diego Municipal Code Section 101.0512 "Conditional Use Permits for Companion Units". If the vacancy rate is determined to be below five percent, the City will accept applications for companion units for one year. The Planning Commission heard this item on February 11, 1999, and unanimously recommended the City Council find that the City-wide average apartment vacancy rate did not exceed five percent for the calendar year 1998.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101: Supporting Assembly Bill 64 (Ducheny), the California Public Beach Restoration Act.

(See Intergovernmental Relations Department Report IRD-99-03.)

INTERGOVERNMENTAL RELATIONS DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-99-883) ADOPTED AS AMENDED AS RESOLUTION R-291313

Declaring that the City Council supports Assembly Bill 64 (Ducheny), the California Public Beach Restoration Act, and urges its passage by the state legislature.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTION AS AMENDED INCREASING THE AMOUNT OF MONEY FOR THE CALIFORNIA PUBLIC BEACH RESTORATION PROGRAM FROM \$20 MILLION TO \$35 MILLION AS REQUESTED BY MAYOR GOLDING; AND REFERRING TO THE RULES COMMITTEE, THE ISSUE OF WHETHER THE CITY SHOULD CONSIDER JOINING THE CALIFORNIA COASTAL COALITION AS A MEANS TO WORK WITH THE OTHER CALIFORNIA COASTAL CITIES TO ADVOCATE ADDITIONAL FUNDS FOR THE COAST AS REQUESTED BY DEPUTY MAYOR WEAR. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102: Deleting a NR&C Committee Meeting on March 10, 1999, and adding a NR&C Committee meeting on March 31, 1999.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

Adopt the following resolution:

(R-99-938) ADOPTED AS RESOLUTION R-291314

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period January 1, 1999 through December 31, 1999 as follows:

Delete a meeting of the Natural Resources and Culture Committee on Wednesday, March 10, 1999 at 9:00 a.m.;

Add a meeting of the Natural Resources and Culture Committee on Wednesday, March 31, 1999 at 9:00 a.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-103: Two actions related to Approving the Final Subdivision Map of Coral Gate Unit No. 3.

(This is a 127-lot subdivision. San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-961) ADOPTED AS RESOLUTION R-291315

Authorizing a Subdivision Improvement Agreement with WL Homes, L.L.C., for the installation and completion of public improvements.

Subitem-B: (R-99-960) ADOPTED AS RESOLUTION R-291316

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 19.883 acre site into 127 lots for residential development. It is located east of Camino De La Plaza in the San Ysidro Community Plan area. On December 10, 1991 the Council of the City of San Diego approved Vesting Tentative Map TM-89-1391 for Coral Gate Unit No. 3 Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 29216-1-D through 29216-10-D, filed in the Office of the City Clerk under Micro Number 139.95. All improvements are to be completed within two years. Permit No. W47493 has been issued for grading as shown on engineering drawing No. 29282-D(1-19). A Performance Bond in the amount of \$933,112.98 has been provided to ensure the completion of the grading.

The Engineer's estimate for the cost of public improvements is \$1,998,844.38 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$10,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the San Ysidro Public Facilities Financing Plan area, which provides for the payment of a Development Impact Fee (DIF), including parks, at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of

building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

FILE LOCATION: Subitems A,B: SUBD - Coral Gate Unit No. 3 (40)

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104: Two actions related to Approving the Final Subdivision Map of Otay Mesa Center.

(This is a 10-lot subdivision. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-697) ADOPTED AS RESOLUTION R-291317

Authorizing a Subdivision Improvement Agreement with Frazee East Property Partners, L.P., for the installation and completion of public improvements.

Subitem-B: (R-99-696) ADOPTED AS RESOLUTION R-291318

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of an 18.928 acre site into 10 lots. It is located south of Otay Mesa Road in the Otay Mesa Community Plan area. On June 23, 1994 the Planning Commission of the City of San Diego approved Planning Commission Resolution No. 2116-PC for Otay Mesa Center Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 29161-1-D through 29161-21-D, filed in the Office of the City Clerk under Micro Number 139.91. All improvements are to be completed within two years.

The Engineer's estimate for the cost of public improvements is \$887,875 and a Performance Bond in that amount has been provided as surety.

A cash bond in the amount of \$10,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Otay Mesa Public Facilities Financing Plan area, which provides for the payment of a Development Impact Fee (DIF), including parks, at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

FILE LOCATION: Subitems A,B: SUBD - Otay Mesa Center (40)

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105: Easement Grant - San Diego Gas & Electric - Midway Drive Switch Replacement.

(Midway Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-911) ADOPTED AS RESOLUTION R-291319

Authorizing the execution of a deed conveying to San Diego Gas & Electric Company, an easement for the purpose of converting utilities located at Midway Drive, north of Duke Street from overhead to underground.

CITY MANAGER SUPPORTING INFORMATION:

As a business requirement and scheduled technical upgrade, SDG&E will be installing a new utility cabinet and concrete pad on City-owned land. SDG&E has the right to install this cabinet and pad within its existing franchise easement. However, the installation would seriously detract from the fully-landscaped and highly visible corner at Midway Drive and West Point Loma Boulevard, thus reducing its value. After consultation with the existing City Agency tenant (San Diego Housing Commission), which objects to the proposed placement of the new cabinet within the existing easement, SDG&E has agreed to revise its plans and place the cabinet in a far less obtrusive area, on Midway Drive, north of Duke Street. This new location will require the grant of a new easement, but will avoid the placement of the cabinet in an area likely to diminish aesthetic and property value. The easement is 26 feet long and 15 feet wide, totaling 390 square feet. It is valued at approximately \$5,600 by City Appraisal staff. Since SDG&E has voluntarily revised its plans to suit the existing City Agency tenant, and as a result, the aesthetic value of the fully-landscaped corner will not be diminished. It is proposed that the new easement be granted without compensation.

FILE LOCATION: DEED F-7430

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106: Amendment to City Pipeline Easement at MCAS-Miramar.

(Military Facilities- MCAS Miramar. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-900) ADOPTED AS RESOLUTION R-291320

Authorizing the City Manager to accept an amendment to the easement to allow the City to install an overhead electric power pole line on a small portion of the existing easement located at San Clemente Canyon north of Highway 52 and east

of Highway 805 between the Metro Biosolids Center and the West Miramar Landfill, in order to provide electricity to a compressor facility for the proposed North City Cogeneration Facility;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$6,000 from Fund No. 41509, CIP-46-504.0, North City Cogeneration Facility, for payment to the Navy for amending the easement and related costs;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

On November 9, 1995, the Navy granted the City a pipeline easement from the Metro Biosolids Center site across MCAS-Miramar to the North City Water Reclamation Plant site.

This action approves the City's request to the Navy (MCAS-Miramar) to amend the existing easement language to allow the City to install an overhead electric power pole line on a small portion of the existing easement where it crosses San Clemente Canyon.

The power line will provide electricity to a compressor facility necessary for the proposed North City Cogeneration Facility. The action also approves funds necessary to pay the Navy (MCAS-Miramar) for the Amendment to Grant of Easement and for other related costs.

Aud. Cert. 9900885.

FILE LOCATION: DEED F-7431

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-107: Goldfinch Street (Washington Street to Lewis Street) Underground Utility District.

(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-846) ADOPTED AS RESOLUTION R-291321

Designating April 30, 1999 as the date upon which all property in the Goldfinch Street (Washington Street to Lewis Street) Underground Utility District must be ready to receive underground service and July 16, 1999 as the date for the removal of all overhead utility facilities;

Authorizing the City Auditor and Comptroller to establish Fund 78108 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Goldfinch Street (Washington Street to Lewis Street) Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing payment to all property owners in the Goldfinch Street (Washington Street to Lewis Street) Underground Utility District as reimbursement for electrical service underground conversion work done on private property;

Authorizing the City Treasurer to return to SDG&E any undisbursed funds upon written notice from SDG&E to the City that all electrical service conversions within this particular district have been completed.

CITY MANAGER SUPPORTING INFORMATION:

The Goldfinch Street (Washington Street to Lewis Street) Underground Utility District was created by the City Council on September 15, 1998. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set April 30, 1999 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also

establish July 16, 1999 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum \$1,800.00 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box which typically ranges from \$300 - \$1,500.

FILE LOCATION: STRT - K-255 (38)

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108: Central Animal Shelter Fund.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-982 Cor. Copy) ADOPTED AS RESOLUTION R-291322

Authorizing the Auditor and Comptroller to establish an interest bearing account within the City Treasury, in the name of the Central Animal Shelter Fund, with all proceeds of the fund including earned interest to be used exclusively to fund improvements, including, but not limited to, site preparation, design, construction, landscaping, and the purchase of fixtures, equipment and other materials;

Authorizing the City Treasurer to sell and to execute all necessary authorizations for the sale of stocks and other forms of negotiable securities donated to The City of San Diego for the benefit of the shelter, with the proceeds to be deposited in the Central Animal Shelter Fund.

CITY MANAGER SUPPORTING INFORMATION:

It has been proposed that a new Central Animal Shelter be constructed. The County of San Diego Department of Animal Control has made a commitment to assist the City with a fund-raising campaign to build the new shelter. This request will establish an interest-bearing account within the City Treasury, in the name of the Central Animal Shelter Fund, to facilitate the process of receiving private gifts for a new facility. The proceeds of the fund and all earned interest will be used exclusively to fund improvements including, but not limited to, site preparation, design, construction, landscaping plus the purchase of fixtures, equipment and other materials.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109: Community-Police Partnerships and Multi-Disciplinary Domestic Violence Workgroups Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-928) ADOPTED AS RESOLUTION R-291323

Authorizing the City Manager to apply for, accept, expend and administer funds for the grant from the U.S. Department of Justice, Office of Community Oriented Policing Services, for a Community-Police Partnerships and Multi-Disciplinary Domestic Violence Workgroups Program;

Authorizing the City Manager, to accept, expend and administer any amendments, extensions, renewals, or future funding of this program for a period of up to five years, provided funding is made available by the U.S. Department of Justice.

CITY MANAGER SUPPORTING INFORMATION:

The Office of Community Oriented Policing Services (COPS) invited SDPD to apply for a Domestic Violence Test Site grant to form multi-disciplinary partnerships and workgroups to address domestic violence. Funding has been requested to develop an inter-agency automated network to consolidate family violence-related information into a single database in order to facilitate a complete picture, early intervention, more comprehensive and timely services to families and victims, and more effective and appropriate sanctions for offenders. System participants are anticipated to be other area law enforcement agencies, District and City Attorneys, Courts, Jails, Probation, Parole, and certain social services. Security and confidentiality will be integral to the system, and information access will be limited by field to authorized users.

The majority of grant funds are allocated to system design, implementation and training. Funds will also support a full-time Program Coordinator.

The grant requires partnerships with community agencies; SDPD has selected the Union of Pan-Asian Communities, and the Center for Community Solutions to be compensated for services to program-identified clients on a referral basis. The program also requires an independent evaluator, who will be selected competitively. All contractual relationships will be processed in separate actions at a later date.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110: Accepting a Grant for the Safe Seniors Project.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-99-942) ADOPTED AS RESOLUTION R-291324

Authorizing the City Attorney to accept a \$10,000 grant from The San Diego Foundation Anonymous No. 4 Fund and Kantor-Lebow-Stoud Memorial Endowment Fund (Grant Number 980305) for the Safe Seniors Project as outlined in the letter dated December 17, 1998 to the City Attorney from Bob Kelley, CEO and President of the San Diego Foundation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111: California Office of Criminal Justice Planning (OCJP) Juvenile Accountability Incentive Block Grant.

(See letters from City Manager Michael Uberuaga dated 1/11/99, Greg Cox dated 12/8/98.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-927) ADOPTED AS RESOLUTION R-291325

Declaring that the City Council waives its claim to receive, to directly engage in any project requiring the use of, its allocation of these funds, on condition that the County of San Diego applies for, accepts, and expends these funds for a collaborative interagency information sharing program;

Authorizing the County of San Diego to apply for, accept and expend the City's full entitlement of these funds in the amount of \$414,650;

Declaring that the County of San Diego has agreed to provide all required matching funds, including the portion of matching funds for the City's allocation, under the funding terms and conditions of this program;

Declaring that any liability arising out of the performance of the Grant Award Agreement and program, including civil court actions for damages, shall be the sole responsibility of the grant recipient and not of the City of San Diego or the State of California. The City, State and OCJP disclaim responsibility for any such liability.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112: El Capitan Boat Launching Facility Cal-Boating Grant Contract Phase II.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-931) ADOPTED AS RESOLUTION R-291326

Authorizing the City Manager to accept, for and on behalf of the City, El Capitan Boat Launching Facility Cal-Boating Grant funds in an amount not to exceed \$480,000 for construction of improvements to that facility, under the terms and conditions set forth in the El Capitan Boat Launching Facility \$480,000 Phase II Grant Contract;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grant.

CITY MANAGER SUPPORTING INFORMATION:

In June of 1998, the first portion of the proposed work at this site was completed using an initial grant of \$500,000 from the California Department of Boating & Waterways. This work included an upgrade of half the parking facilities, a complete high water level boat launch ramp, preliminary grading for future parking facilities, drainage improvements, slope protection, as well as building pads and utility services for future restroom facilities.

However, a State request to complete the boat ramp first prevented a number of planned improvements necessary for improved facility operations from being completed. This included restrooms and upgrades to the remainder of existing parking areas. In addition, Water Operations Staff's monitoring of existing operations has resulted in their request for additional facilities, such as the expansion of the lower parking areas to provide needed spaces, and installation of additional slope protection to protect existing and proposed improvements

As a result of the State's request to shift priorities, and their concurrence with City Staff's outlook on future needs for the site, the California Department of Boating & Waterways has approved an additional grant request to construct these remaining improvements.

This is represented by an amendment to grant agreement (originally identified for Barrett Reservoir) and will cover the construction of all additional improvements anticipated at this time.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-113: Montgomery-Waller Community Park Gym Floor Replacement - Grant Application.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-959) ADOPTED AS RESOLUTION R-291327

Authorizing the City Manager to apply to the State for the Grant and to take all actions necessary to secure the Grant for the Project;

Authorizing the City Manager to accept and expend funds if the Grant is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the Grant;

Authorizing the City Auditor and Comptroller to appropriate funds in the amount of \$23,148 from State Grant, Fund 38079, to CIP-370030, pending grant approval;

Authorizing the City Manager to proceed with the Project, including conducting all negotiations and executing and submitting all appropriate documents;

Authorizing the Auditor and Comptroller to transfer, appropriate and expend an amount not to exceed \$75,000 from Allocated Reserve Fund 10001, Dept 901, Job Order 984441, to Fund 630221, Contributions from General Fund, CIP-370030, Annual Allocation - Facilities Improvement.

CITY MANAGER SUPPORTING INFORMATION:

On October 8, 1998, Park and Recreation Department's Resource Development Office was officially notified by the California State Department of Parks and Recreation that funding was allocated in the appropriations within the Fiscal Year 1999 State Budget for the Montgomery-Waller Community Park gym floor replacement. The total amount to be allocated, \$23,500 will

be reduced by 1.5% for State Administration costs. This action will allow the City Manager to enter into an agreement with the State and proceed with the construction of the gym floor replacement.

Aud. Cert. 9900960.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-114: Transferring Funds to TransNet/San Ysidro Livable Neighborhood/Economic Need Fund.

(Barrio Logan and San Ysidro Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-896) ADOPTED AS RESOLUTION R-291328

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$31,220 from the TransNet/Barrio Logan Livable Neighborhood/Economic Need Fund (30304/101/4279) to the TransNet/San Ysidro Livable Neighborhood/Economic Need Fund (30304/111/4279).

CITY MANAGER SUPPORTING INFORMATION:

Council District 8 requested that \$31,220 be transferred from the TransNet/Barrio Logan Livable Neighborhood/Economic Need Fund to the TransNet/San Ysidro Livable Neighborhood/Economic Need Fund. Upon approval of the funding transfer, this funding will be used to widen 1000 feet of sidewalk along Otay Mesa Road north of Beyer Boulevard in San Ysidro.

Aud. Cert. 9900822.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-115: Funding for San Diego Youth and Community Services' VIVA Program.

(Southeastern San Diego and Sherman Heights Neighborhood. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-887) ADOPTED AS RESOLUTION R-291329

Authorizing the appropriation and expenditure of \$15,000 from the TransNet/Barrio Logan Livable Neighborhood/Economic Need Fund (30304) to the Grant Hill Revitalization Program;

Authorizing the reprogramming of \$15,000 from the Fiscal Year 1999 Community Development Block Grant Fund (18534/4161/6108) from the Grant Hill Revitalization Program to San Diego Youth and Community Services for the VIVA Program.

CITY MANAGER SUPPORTING INFORMATION:

Council District 8 requested that a portion of the TransNet/Barrio Logan Livable Neighborhood/Economic Need Fund be used to fund San Diego Youth and Community Services' (SDYCS) VIVA Program. The VIVA Program is a youth and adult leadership program which focuses on gang and delinquent prevention. However, due to TransNet funding restrictions, a funding transfer is needed to fund the program.

Therefore, \$15,000 from the Barrio Logan TransNet Livable Neighborhood/Economic Need Fund will be transferred to the Grant Hill Revitalization Program to replace \$15,000 in Community Development Block Grant (CDBG) funding which will be used to fund the VIVA Program.

Aud. Cert. 9900840.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-116: Pacific Beach Recreation Center Tot Lot Upgrade.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-987) ADOPTED AS RESOLUTION R-291330

Authorizing the City Auditor and Comptroller to transfer \$41,000 from Fund No. 10001, Ventura Place Improvements, to CIP-29-420.0, Pacific Beach Recreation Center-Improvements;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$41,000 from CIP-29-420.0 for professional services and project administration costs required to design the Pacific Beach Recreation Center Tot Lot Upgrade.

CITY MANAGER SUPPORTING INFORMATION:

The Pacific Beach Recreation Center is located at 1405 Diamond Street, east of Gresham Street, in Pacific Beach. The project scope entails the renovation of the existing tot lot at the Recreation Center to provide for disabled accessibility and upgraded equipment. The requested funding will

allow for the hiring of a consultant to work with the community to select equipment and prepare a design.

Additional funding for implementation will be transferred into the project as it becomes identified. The \$41,000 in General Fund Allocated Reserves was originally intended to be used for Ventura Place improvements. Because alternative funding sources are being explored for those improvements, this transfer will provide funds for upgrading the Pacific Beach Recreation Center Tot Lot.

Aud. Cert. 9900929.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-117: Mira Mesa Senior Citizen Center Expansion.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-984) ADOPTED AS RESOLUTION R-291331

Amending the FY99 CIP Budget to add CIP-29-816.0 and reactivating an old project to reflect the \$7,254 increase in appropriations;

Authorizing the City Auditor and Comptroller to transfer and appropriate an amount not to exceed \$7,254 from Park Services Fund (PSD) No.11210 to CIP-29-816.0, Dept. 30244, Mira Mesa Senior Citizen Center Expansion;

Authorizing an expenditure of an amount not to exceed \$7,254 from CIP-29-816.0, Mira Mesa Senior Citizen Center Expansion.

CITY MANAGER SUPPORTING INFORMATION:

Background: The Mira Mesa Senior Citizen Center is an existing 4,210 square foot building located at 8460 Mira Mesa Boulevard, on the Mira Mesa Community Park site. The expansion project provided for kitchen upgrades and a 980 square-foot addition to the building, to provide storage and office space for the Senior Nutrition Program.

Construction on the expansion project started in May 1997, with the expected completion date of March 1998, allowing for change orders and rain delays.

The project was nearly completed in March 1998, with pending final corrections. At the time the contractor started experiencing health problems, which prevented him from completing his work. Due to more health complications, the contractor was hospitalized and consequently released from his contractual obligations in August 1998.

At this time, the additional funds are being requested in order to issue small-contracts agreements and complete the project, finalizing all remaining corrective work, as required by the Development Services Department.

Aud. Cert. 9900938.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-118: Seismic Retrofit of the Market Street Bridge over Chollas Creek.

(Logan Heights Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-951) ADOPTED AS RESOLUTION R-291332

Accepting Program Supplement No. 11-5004 (001-M1) to Local Agency-State Agreement for Federal Aid Project No. 11-5004 (075) for the amount of \$170,000 for Seismic Retrofit of Market Street Bridge Over Chollas Creek;

Authorizing the appropriation of \$170,000 from Program Supplement 11-5004 (001-M1), CIP-53-037.0, Annual Allocation - Earthquake Restrainers for Bridges, for construction of Seismic Retrofit of Market Street Bridge Over Chollas Creek;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$260,234 from CIP-53-037.0, Annual Allocation - Earthquake Restrainers for Bridges, to CIP-53-038.2, Construction of Seismic Retrofit of Market Street Bridge Over Chollas Creek;

Authorizing the expenditure of an amount not to exceed \$260,234 from CIP-53-038.2, Construction of Seismic Retrofit of Market Street Bridge Over Chollas Creek, of which \$230,385 is from Fund 38715, and \$29,849 is from Fund 38855;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Market Street Bridge over Chollas Creek has been identified as a seismically deficient bridge by CalTrans. This project will provide for infill shear walls, abutment shear keys and hinge pipe restrainer so that the bridge will meet current seismic standards. The total project cost is 88.53% Federally Funded and 11.47% State Funded.

Aud. Cert. 9900881.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-119: Point Loma - Scum Removal System.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-954) ADOPTED AS RESOLUTION R-291333

Authorizing the expenditure of an amount not to exceed \$300,000 from Fund No. 41508, CIP-46-510.0, Annual Allocation-Metro Pooled Contingency to provide additional project contingency for the Point Loma Wastewater Treatment Plant-Scum Removal System.

CITY MANAGER SUPPORTING INFORMATION:

The Point Loma-Scum Removal System Capital Improvement Project is under construction and provides for comprehensive upgrades to the sedimentation basins area of the Point Loma Wastewater Treatment Plant. The project covers a large area of the thirty-five year old plant. It includes treatment enhancement improvements with upgrades to the scum processing and odor control facilities, and extensive concrete restoration work necessary to extend the life of the facility. Approval is requested for additional contingency funding for construction change orders.

Resolution R-288066 authorized the City Manager to execute a construction contract with the lowest responsive bidder and the contract was awarded to Nielsen-Dillingham Builders for \$11,989,000. Resolution R-289965 authorized approval of Change Order No. 2 for an amount not to exceed \$395,000. The change order provided for installation of spray systems which, after the award of the contract, were found to enhance the wastewater treatment and could be effectively installed through this contract.

The project improvements are performed on two sedimentation basins at a time. From years of service in a harsh environment, the basins have experienced deterioration and as they are prepared for the concrete restoration work unknown conditions have been found.

Most recently poor quality concrete was found in basins 5 and 6 and additional concrete restoration work is required to extend the life of the structure. Except for Change Order No.2, a majority of past change orders have been for concrete restoration related work. This project

takes facilities out of service, disrupts operations and additional repairs are most effectively performed through change orders to the existing contract. Authorization is requested to increase the project contingencies by \$300,000 to pay for changes to this contract.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-120: Concrete Sewer Television Inspection Consultant Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-952) ADOPTED AS RESOLUTION R-291334

Authorizing to increase the expenditure to Lee & Ro for concrete sewer television inspection, by an amount not to exceed \$41,200.12, from that previously authorized by the Council Resolution No. R-288483, adopted on March 31, 1997.

CITY MANAGER SUPPORTING INFORMATION:

Authorization for an additional \$41,200.12 is required to provide for the final payment to the contractor retained to televise all of the City's concrete sewer mains. Per the City's contract with Lee and Ro Consulting Engineers, an estimated 660,000 feet of concrete sewer mains were to be televised and evaluated at a cost not to exceed \$624,000. As additional lengths of concrete sewer

mains were identified, the contractor was directed to complete their televising. In total, 781,565 feet of main were ultimately televised at a cost of \$665,200.12. The cost of this additional work exceeded the contractual ceiling by \$41,200.12.

This contract to televise sewer mains was undertaken to fulfill one of the requirements of the City's Stipulated Final Order with the United States Environmental Protection Agency to resolve all remaining claims against the City for violations of the Clean Water Act relating to sewage spills. Specifically, the City was to provide a complete plan and schedule for the replacement or rehabilitation of all remaining concrete sewer mains. The completion of this plan was based on the televising of the concrete sewer mains to determine their condition and provide a basis for their replacement based on criticality.

The evaluation report and plan to replace the concrete sewer mains was submitted to the EPA in March of 1998 and subsequently accepted in fulfillment of this provision of the Stipulated Final Order. No further televising of concrete sewer mains is required pursuant to this specific requirement.

Aud. Cert. 9900904.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-121: Ventura Place Crossgutter Project.

(Mission Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-937) ADOPTED AS RESOLUTION R-291335

Amending the Fiscal Year 1999 CIP Budget by adding the Ventura Place Crossgutter Project, CIP-11-303.0 and by increasing the CIP Budget by \$145,000 for use in reconstructing Ventura Place west of Mission Boulevard;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$145,000 from the District 2/Ocean Beach Livable Neighborhood/Economic Need Fund 30304 to District 2 CIP-11-303.0 Ventura Place Crossgutter Project;

Authorizing the expenditure of an amount not to exceed \$145,000 from District 2, CIP-11-303.0 Ventura Place Crossgutter Project;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves, provided that the City Auditor first furnishes a certificate demonstrating that the funds are, or will be on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

On June 30, 1997, the City Council transferred \$1.74 million from the Fiscal Year 1997 TransNet/Neighborhood Revitalization Superfund into the "Livable Neighborhood/Economic Need Fund", dividing into 12 equal portions of \$145,000 to be used in the 12 Livable Neighborhood areas.

Council District 2, responsible for the Ocean Beach Community, originally intended to use the Ocean Beach Livable Neighborhood/Economic Need Fund to construct a bicycle path through Robb Field. However, due to TransNet funding restrictions associated with building a bicycle path outside the street right-of-way, Council District Two has identified another funding source for the bicycle path. Sludge Mitigation Funding is proposed to be used on the bicycle path which will free up the District 2 TransNet/Livable Neighborhood Fund for use on the Ventura Place Crossgutter Project. The TransNet funding will be used to reconstruct Ventura Place west of Mission Boulevard. The existing crossgutter will be reconstructed in order to enhance traffic flow through the intersection.

Aud. Cert. 9900895.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-122: Addition to FY 99 CIP - La Jolla Branch Library Expansion.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-930) ADOPTED AS RESOLUTION R-291336

Amending the Fiscal Year 1999 Capital Improvements Program by adding CIP-35-094.0, La Jolla Branch Library Expansion;

Accepting and thanking the Friends of the La Jolla Library for their generous donation of \$60,000 for the purpose of developing the Library Expansion schematic plan and appropriating the \$60,000 into the Private Fund Donation, Fund No. 63022, CIP-35-94.0;

Authorizing the expenditure of an amount not to exceed \$60,000 from Private Donation Fund 63022, CIP-35-094.0, La Jolla Branch Library Expansion.

CITY MANAGER SUPPORTING INFORMATION:

The Friends of the La Jolla Library are initiating the design of a 14,700 square foot addition to the Florence Riford Library Center. This generous donation will provide the funds for building expansion schematic plan. The proposed CIP will include a new children's area, study areas, computer lab, library storage area, and volunteer work area.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-123: Five actions related to Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-944) ADOPTED AS RESOLUTION R-291337

Daniel McGrath - Transportation - \$280.

John Bahl - Fire and Life Safety Services - \$200.

Subitem-B: (R-99-945) ADOPTED AS RESOLUTION R-291338

Douglas E. Schulte - Fire and Life Safety Services - \$500.

Subitem-C: (R-99-946) ADOPTED AS RESOLUTION R-291339

Gunnar Granquist - Fire and Life Safety Services - \$100.

Subitem-D: (R-99-947) ADOPTED AS RESOLUTION R-291340

William Jacobson - Police Department - \$1,351.08.

Subitem-E: (R-99-948) ADOPTED AS RESOLUTION R-291341

Dennis R. Davis - Information Technology and Communications - \$702.53.

FILE LOCATION: Subitems A,B,C,D,E: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-124: National Parliamentary Debate Association Day at Point Loma Nazarene University.

DEPUTY MAYOR WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1013) ADOPTED AS RESOLUTION R-291342

Proclaiming Saturday, March 27, 1999 to be "National Parliamentary Debate Association Day at Point Loma Nazarene University", in recognition of this special occasion.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-125: Donald Covington Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-99-986) ADOPTED AS RESOLUTION R-291343

Recognizing the outstanding contributions Donald Covington has made to preserve San Diego history;

Proclaiming March 20, 1999 to be "Donald Covington Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-126: Phillips Temple Christian Methodist Episcopal Church Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-926) ADOPTED AS RESOLUTION R-291344

Commending Phillips Temple Christian Methodist Episcopal Church for 80 years of dedication and devotion not only to the community, but to the entire City of San Diego;

Proclaiming February 26, 1999 to be "Phillips Temple Christian Methodist Episcopal Church Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-127: Excusing Councilmember George Stevens from the Special Council meeting of 2/9/99 and the Public Safety and Neighborhood Services Committee meeting of 2/10/99.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-908) ADOPTED AS RESOLUTION R-291345

Excusing Councilmember George Stevens from attending the Special Council meeting of Tuesday, February 9, 1999 and the regularly scheduled Public Safety and Neighborhood Services Committee meeting of Wednesday, February 10, 1999, due to a family emergency and illness.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-128: Excusing Councilmember Warden from the Rules Committee Meeting of March 4, 1999.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-99-979) ADOPTED AS RESOLUTION R-291346

Excusing Councilmember Barbara Warden from attending the Rules, Finance and Intergovernmental Relations Committee meeting of March 4, 1999.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-129: Robert W. Condon Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1008) ADOPTED AS RESOLUTION R-291347

Proclaiming Saturday, March 27, 1999 to be "Robert W. Condon Day" in San Diego and encouraging all residents to read to children on this day in Mr. Condon's honor.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-130: Time Limit Parking on Calle Corta.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-858) ADOPTED AS RESOLUTION R-291348

Establishing a parking time limit of two hours, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on both sides of Calle Corta between La Jolla Shores and Avenida de las Ondas;

Authorizing the installation of the necessary signs and markings; declaring that the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes a two-hour unmetered time limit parking zone effective between 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the north and south sides of Calle Corta between La Jolla Shores Drive and Avenida de las Ondas. Council approval is required according to the San Diego Municipal Code, Section 86.04. Recent studies indicate that this segment of Calle Corta is heavily impacted by long term parking. The average parking occupancy is 70 percent, the average parking duration is 7.2 hours, and the average turnover is 0.95 parkers per space. This satisfies the criteria established in Council Policy 200-04 for the installation of time limit parking. A petition representing eight of ten affected properties (eighty percent) was submitted in support of this action. The La Jolla Shores Association and the La Jolla Community Planning Association support this action.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-131: Establishing a Two-Hour Time Limit Parking Zone on Emerson Street.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-894) ADOPTED AS RESOLUTION R-291349

Establishing a parking time limit of two hours, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the north side of Emerson Street between Rosecrans Street and Scott Street;

Waiving the provisions of Council Policy 200-04 that requires 75 percent curb occupancy in order to establish time limit parking;

Authorizing the installation of the necessary signs and markings; declaring that the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

The proposed two-hour parking time limit zone on the north side of Emerson Street between Rosecrans Street and Scott Street was requested by the property owners representing 100 percent of the frontage involved. A parking study was conducted and revealed an average occupancy of 98 percent, an average duration of 5.2 hours, and an average turnover of two parkers per space. Two-hour parking limitations exist throughout the area and they receive a very high level of enforcement. The result of this study meets the City Council Policy 200-4 requirements for the installation of time limit parking zones. The Peninsula Community Planning Committee has been informed of the subject request.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-132: Establishing Angle Parking on Prospect Street.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-901) ADOPTED AS RESOLUTION R-291350

Establishing angle parking on the east side of Prospect Street between La Jolla Boulevard and Eads Avenue (400,600 and 700 block of Prospect Street);

Authorizing the installation of the necessary signs and markings; declaring that the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action permits angle parking on the east side of Prospect Street between La Jolla Boulevard and Eads Avenue (400, 600 and 700 blocks of Prospect Street). Currently, there is parallel parking in this segment. This action will provide 19 additional parking spaces. Council approval is required, according to the San Diego Municipal Code, Section 86.03. A petition representing all of the affected property owners on the 400 and 700 blocks of Prospect Street was submitted in support of this action. The property fronting the 600 block of Prospect Street is the La Jolla Community Park and Recreation Center, owned by the City of San Diego. Prospect Street does not have a 500 block. The La Jolla Community Planning Group supports this action.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-133: Agreement with ASL Consulting Engineering, Inc., for As-Needed Civil Engineering Consulting Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-860) ADOPTED AS RESOLUTION R-291351

Authorizing the execution of an agreement with ASL Consulting Engineers, Inc., for As-Needed Civil Engineering Consulting Services;

Authorizing the expenditure of an amount not to exceed \$400,000 from Sewer Fund 41506.

CITY MANAGER SUPPORTING INFORMATION:

This agreement is for As-Needed Civil Engineering Consultant Services for the Wastewater Collection Division's operational needs. The Consultant will provide investigation, analysis, and design services for emergency wastewater projects. A list of five As-Needed Civil Engineering Consultants was provided by the City's Consultant Services Coordinator. The firms were interviewed in accordance with Council Policy 300-7, and ASL Consulting Engineers, Inc., was selected. The agreement provides for civil consulting services by task orders on an hourly basis, not to exceed \$40,000 per task. The total shall not exceed \$400,000 for a period of two years from the date of execution by the City.

Aud. Cert. 9900804.

WWF-99-358.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-134: Agreement with Estrada & Kea Partnership, for As-Needed Environmental Consultant Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-898) ADOPTED AS RESOLUTION R-291352

Authorizing an agreement with Estrada & Kea Partnership, for As-Needed Environmental Consultant Services;

Authorizing the expenditure of an amount not to exceed \$70,000 from Water Fund 41500 and an amount not to exceed \$130,000 from Sewer Fund 41506.

CITY MANAGER SUPPORTING INFORMATION:

A list of As-needed Environmental Consultants was requested from the Consultant Services Coordinator. The Consultant Nominating Committee nominated five (5) firms to participate in the final selection process. In conformance with Council Policy 300-7, the five (5) firms were interviewed and the firm Estrada & Kea Partnership was selected as best qualified firm to provide As-needed Environmental Consultant Services. The agreement provides for As-needed environmental services by task orders on an hourly basis, not to exceed \$20,000 per task. These services would include environmental evaluation reports and preliminary hazardous waste material analysis for water and sewer projects. Construction delays may be avoided by anticipating mitigative measures and selecting appropriate sites and pipeline alignments. The total contract will not exceed \$200,000 for a period of two (2) years from the date of execution by the City.

Aud. Cert. 9900845.

WWF-99-356.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-135: Mission Valley ATMS/ATIS Project - Phase II.

(Centre City, Mission Valley, and Uptown Community Areas. Districts-2, 3 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-977) ADOPTED AS RESOLUTION R-291353

Authorizing an agreement with PB Farradine Inc. for design services for the Mission Valley ATMS/ATIS Project, in an amount of \$392,800;

Authorizing an agreement with San Diego Association of Governments (SANDAG);

Amending the Fiscal Year 1999 CIP Budget by increasing CIP-52-521.0 for the "Intelligent Transportation System - Jack Murphy Stadium (Qualcomm Stadium) Mission Valley ATMS/ATIS Project Phase II" by \$647,500;

Authorizing the City Auditor and Comptroller, to accept and appropriate \$540,000 of FHWA Showcase - Early Start Funds, Fund No. 38956, \$67,500 of State Funds, Fund No. 38957, and \$40,000 of CMAQ Funds, Fund No. 38672 to CIP-52-521.0;

Authorizing the expenditure of an amount not to exceed \$697,500 from FHWA Fund 38956, CMAQ Fund 38672, TransNet Fund 30300, and State Fund 38957;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Mission Valley Advanced Traffic Management Systems (ATMS)/Advanced Traveler Information Systems (ATIS) Project is one of the first Intelligent Transportation Systems (ITS) projects. The City's been selected and awarded a total of \$1,247,500.00 to fund design and construction. This total is broken into two parts: Phase 1, for \$550,000, from the Congestion Mitigation and Air Quality (CMAQ) Program (CIP-63-0330) and Phase II, for \$697,500, from the Southern California Intelligent Transportation System "Showcase" project. This request is for Council approval for acceptance of the Federal and State Grant funds, and entering into an agreement with the consultant PB Farradyne Inc. for Phase II, which includes analysis, design and software program writing for the project. The Mission Valley ATMS/ATIS project will upgrade the existing San Diego Traffic Management Center (TMC) facility to manage and operate the ITS corridor in the Mission Valley Area. The project will integrate the San Diego TMC and Stadium Event Management Center (EMC) with Caltrans District 11ATMS. The project includes: 1) the design and implementation of a common operation platform of which a single use interface will integrate the City's existing traffic operation systems; 2) design and installation of a fiber optic communication link between the City's TMC and Caltrans ATMS; 3) the installation of a Highway Advisory Radio (HAR) system; and 4) the establishment of a data interoperable exchange network between Caltrans ATMS, Qualcomm Stadium EMC and the City of San Diego's TMC. The "Showcase" grant funds will be transferred to the City by way of SANDAG.

Aud. Cert. 9900928.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-136: Facilities Optimization Contract - HDR Engineering Inc. - Amendment No. 5.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-903) ADOPTED AS RESOLUTION R-291354

Authorizing a fifth amendment to the agreement of October 21, 1996, with HDR Engineering, Inc., for professional services in connection with the Metropolitan Wastewater Department competition program and optimization of business processes;

Authorizing the expenditure of an amount not to exceed \$350,000 from Fund No. 41506, consisting of funds reprogrammed from Fiscal Year 1999 savings resulting from treatment plant optimizations.

CITY MANAGER SUPPORTING INFORMATION:

HDR Engineering, Inc., has been instrumental in assisting with the optimization of the Metropolitan Wastewater Department Operations and Maintenance Division's wastewater treatment plant system as part of the City's Competition Program. The company provided essential consulting services relative to formulating optimization strategies and productivity enhancements associated with the innovative Bid-to-Goal agreement that incorporates the most appropriate aspects of both the public and private sectors. The City's Competition Program is currently embarking on a related effort to optimize the operations and maintenance of the

wastewater collection system. It is important that changes in the operations and maintenance of this key City infrastructure be well thought out, technically sound, carefully implemented and closely monitored in order to safeguard the associated public health, safety and significant ratepayer investment. This amendment will support that prudent intent.

Aud. Cert. 9900875.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-137: Genesee Ave. Subsystem: Executive Drive Extension with Nexus Properties, Inc.

(University City Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-800) ADOPTED AS RESOLUTION R-291355

Authorizing an agreement with Nexus Properties, Inc., to lower the reclaimed water pipeline in the Executive Drive extension of the Genesee Avenue Subsystem;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$150,000 within Fund 41500, from CIP 70-916.0, Miramar Road Subsystem Extension, to CIP 70-911.0, Genesee Avenue Subsystem;

Authorizing the expenditure of an amount not to exceed \$138,000 from Fund No. 41500, CIP 70-911.0, CIP-70-911.0, Genesee Avenues Subsystem, to provide funds for the agreement;

Authorizing the expenditure of an amount not to exceed \$12,000 from Fund No. 41500, CIP-70-911.0, Genesee Avenue Subsystem, to provide funds for additional project-related costs.

CITY MANAGER SUPPORTING INFORMATION:

During the construction of the North City Tunnel Connector, an integral part of the North City Water Reclamation Plant and the Reclaimed Water Distribution System, a 36-inch diameter reclaimed water pipeline was constructed within the designated Executive Drive Extension. This future extension of Executive Drive had not been graded or paved and it was unknown as to when it would be done.

In early 1998, Nexus Properties, Inc. started an Industrial Park development in the UTC area. Part of this development requires NEXUS to grade the Executive Drive Extension, therefore lowering approximately 350 feet of the City's reclaimed water pipeline by about 15 to 20 feet. An agreement between NEXUS and the City was reached through which the City will pay up to \$138,000 to NEXUS to lower the pipe as a part of their construction of the Executive Drive Extension.

Aud. Cert. 9900848.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-138: Amendment No. 1 to Consultant Agreement with Lettieri-McIntyre & Associates, Inc.

(La Jolla and Ocean Beach Community Areas. District-1 and 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-909) ADOPTED AS RESOLUTION R-291356

Authorizing an Amendment No. 1 to the Agreement for Environmental Services with Lettieri-McIntyre and Associates for professional services associated with the preparation of the Environmental Impact Report;

Authorizing the expenditure of an amount not to exceed \$30,000 from CIP-52-545.0, Coastal Erosion Affecting City Streets, Fund 30300.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego entered into an agreement with Lettieri-McIntyre & Associates, Inc. on October 24, 1997, authorizing environmental services for the preparation of an Environmental Impact Report (EIR) for 11 coastal erosion sites.

Due to an increase in the number of oversize and color graphics in the EIR document, printing costs are much greater than originally anticipated and additional funding for reimbursable costs is needed. Also, five sites located within Sunset Cliffs Park have been removed from the EIR until land use issues are resolved by the Sunset Cliffs Natural Park Master plan. As a result of this and other changes, funds for additional services have been depleted and additional funding is needed for the remaining La Jolla and Ocean Beach sites to accommodate any future additional service requests.

Aud. Cert. 9900842.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-139: Point Loma - Chemical Feed Systems Upgrade.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-904) ADOPTED AS RESOLUTION R-291357

Authorizing to execute a second amendment to the agreement of September 11, 1995, with Malcolm Pirnie, Inc., for design services in connection with the Point Loma - Chemical Feed System Upgrade;

Authorizing the expenditure of an amount not to exceed \$180,000 from Sewer Fund No. 41508, CIP-46-182.0, Point Loma - Chemical Feed Systems Upgrade.

CITY MANAGER SUPPORTING INFORMATION:

This project provides for upgrading the ferric chloride and polymer chemical feed systems at the Point Loma Wastewater Treatment Plant (PLWTP). Proposed improvements include replacing two ferric chloride tanks, installing a third ferric chloride tank, upgrading chemical unloading facilities, adding automatic flow-pacing of ferric chloride and polymer, and upgrading of the existing polymer feed building. Currently chemical storage facilities are inadequate. Additional storage is necessary to assure uninterrupted chemical addition into the wastewater to achieve the required treatment levels. Automatic flow-pacing and multiple discharge points will be constructed to enhance reliability and to allow for operating flexibility and fine tuning of chemical addition to maximize the plant's performance and reduce operating costs.

Resolution No. R-286298, adopted on September 11, 1995, authorized the City Manager to execute an agreement with Malcolm Pirnie to provide design services for this project for an amount of \$373,890. Resolution No. R-288704, adopted on May 27, 1997, authorized the City Manager to execute amendment No. 1 to the agreement of September 11, 1997 for an additional \$100,000. In order to complete the project design, an additional \$180,000 is needed for additional design services. These services are needed to implement project revisions related to operational changes, integrate the instrumentation and control devices into the plant distributed control system, and provide services during construction.

Aud. Cert. 9900930.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-140: Urban League Headquarters.

(Mount Hope Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-912) ADOPTED AS RESOLUTION R-291358

Authorizing an agreement with the San Diego Urban League, a nonprofit agency, that would make available \$70,000 in CDBG funds as a down-payment for the purchase of property of their new headquarters building;

Authorizing the expenditure of an amount not to exceed \$78,000 from CDBG Fund No. 18533 for the appraisal and acquisition of property rights only, in connection with the San Diego Urban League new headquarters building.

CITY MANAGER SUPPORTING INFORMATION:

The City Council has allocated \$393,000 in CDBG funds to the San Diego Urban League, Inc. for the purchase and development of their new headquarters to be located at 720 Gateway Center Drive. The appraisal and purchase of the property from the Southeastern Economic Development Corporation necessitates an expenditure of \$78,000 from the CDBG funds. \$70,000 for the down payment on the property and \$8,000 for the costs of the appraisal and feasibility study. The \$70,000 down payment will be secured by a 2nd Note and Deed of Trust. The 1st Deed of Trust is a purchase money Note and Deed Of Trust in the amount of \$1,150,000 carried back by SEDC. The balance of the funds (\$375,000) are expected to be expended on improvements to the property purchased.
Aud. Cert. 9900863.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-141: Renew Agreement for As-Needed Storm Water Sampling and Testing.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-884) ADOPTED AS RESOLUTION R-291359

Authorizing the City Manager to accept funds from participating agencies up to \$388,108.79 to be deposited in Storm Drain Fee Fund 105084;

Authorizing the City Manager to renew agreement No. RR-286211 executed on August 7, 1995, with Woodward-Clyde Consultants to provide professional services for As-Needed Storm Water Sampling and Testing;

Authorizing the expenditure of \$600,000 from Storm Drain Fee Fund 105084 for As-Needed Storm Water Sampling and Testing.

CITY MANAGER SUPPORTING INFORMATION:

This is the sixth year of a cooperative agreement for wet weather sampling and testing of storm water between eighteen (18) incorporated cities, the Unified Port District, and San Diego County. This program will satisfy the monitoring requirements of the County-Wide Federal Storm Water Discharge Permit (Regional Water Quality Control Board Order 90-42). The permit requires that storm water run off from various sites around the County be tested for USEPA priority pollutants during three storm events between October and May every year. In addition, water and sediment toxicity tests are also required. As Principal Permittee, the City of San Diego has agreed to administer the contract. All co-permittees share in the cost based on area and population of each jurisdiction. This is the fourth year of a five (5) year agreement with Woodward-Clyde

Consultants. The funding for this agreement is approved annually for a fee not to exceed \$600,000. Woodward-Clyde was originally selected per Administrative Regulation 25.60 and Council Policy 300-7.

Aud. Cert. 9900836.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-142: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-99-905) ADOPTED AS RESOLUTION R-291360

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-143: Reappointment to the Citizens Equal Opportunity Commission.

(See memorandum from Mayor Golding dated February 17, 1999 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-932) ADOPTED AS RESOLUTION R-291361

Council confirmation of the reappointment by the Mayor of Clarence E. McCoy to serve as a member of the Citizens Equal Opportunity Commission for a two-year term ending January 1, 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-144: Reappointments to the International Affairs Board.

(See memorandum from Mayor Golding dated February 17, 1999.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-933) ADOPTED AS RESOLUTION R-291362

Council confirmation of the following reappointments by the Mayor to serve as members of the International Affairs Board, for terms expiring on March 1, 2001:

Reappointments

Donald D. Goertz
Randall C. Phillips
Li-Rong Lilly Cheng
Jacqueline S. Corey
Susan T. Walsh
David L. Gappa
Patricia E. Reeve
Linda Bejarano Stepp

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-145: Semi-Annual Equal Employment Opportunity Report.

(See Report from Personnel Director dated 2/10/99.)

PERSONNEL DIRECTOR'S RECOMMENDATION:

Adopt the following resolution:

(R-99-882) ADOPTED AS RESOLUTION R-291363

Accepting the Semi-Annual Equal Employment Opportunity Report from the Personnel Director, dated February 10, 1999, covering the period from December 12, 1997 to June 12, 1998.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 2/10/99 PS&NS voted 4-0 to approve on consent. (Councilmembers Mathis, Wear, Kehoe, and Warden voted yea. Councilmember Stevens not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G091-281.)

MOTION BY STEVENS TO ADOPT THE RESOLUTION WITH DIRECTION TO THE MANAGER TO INCLUDE \$211,000 IN THE BUDGET FOR FISCAL YEAR 2000 TO AUGMENT THE PROGRAM TO ENHANCE EQUAL OPPORTUNITY EMPLOYMENT WITHIN THE CITY. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-146: Appointments to the Historical Site Board.

(See memorandum from Mayor Golding dated 3/16/99 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1028) ADOPTED AS RESOLUTION R-291364

Council confirmation of the following appointments by the Mayor to the Historical Site Board, for terms ending March 1, 2001:

Laura Burnett
(To replace Kiarling Strahm, who has resigned.)

Gil Johnson
(To replace Earl Rod Barr, whose term has expired.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-150: Citizens' Panel Recommendation for Central Animal Shelter Siting.

(See City Manager Report CMR-99-33. Mission Valley Community Area. District-6.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-99-1007) ADOPTED AS RESOLUTION R-291365

Authorizing the City Manager to study the feasibility of the existing Animal Shelter site at 5480 Gaines Street, together with the adjacent City-owned land known as Site 119, for the reconstruction and expansion of a new Central Animal Shelter and bring recommended actions to the City Council for review.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/17/99, NR&C voted 5-0 to approve the Citizens' Panel's recommendation to build the new Central Animal Shelter on the Gaines Street site. (Councilmembers Mathis, Kehoe, Warden, Stallings, and McCarty voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

On February 17, 1999, the NR&C Committee considered and unanimously recommended acceptance of the site recommendation of the "Citizens' Panel to Build a New Central Animal Shelter."

The Central Animal Shelter, located at 5480 Gaines Street, is operated by the County on 1.75 acres of City-owned land under a 37-year lease expiring in 2008. The City also owns about 2.91 acres of vacant land, known as Site 119, contiguous with the Central Animal Shelter. The existing improvements at the Central Animal Shelter have become inadequate in terms of size, condition, and design, requiring major refurbishment or preferably complete reconstruction.

The Citizens' Panel, composed of City and County officials and prominent citizens, was formed in November 1998 to identify sites and funding sources for a modern, larger shelter. In addition to the present location, the Citizens' Panel "Site Selection and Building Subcommittee" considered a group of other City-owned and privately owned sites for possible relocation of the shelter. These other sites were ruled out due to various factors such as cost, location, or availability. The subcommittee recommended that the best alternative is to raze the current animal shelter, then rebuild and expand it on the same site with the adjacent City-owned land. The reasons for favoring the present site are its central location, the lack of acceptable alternative sites, and the fact that it is already City owned. The Linda Vista Planning Committee has also given conceptual approval of the subcommittee's site recommendation. If approved by Council, City staff will work with the Citizens' Panel and County staff to study the feasibility of the site for the proposed project and bring recommended actions to Council for review. A City staff appraisal of the 4.66-acre site has determined the value to be \$2,435,000, as of March 1, 1999.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B438-C261.)

MOTION BY STALLINGS TO ADOPT THE RESOLUTION SUPPORTING THE CITIZENS' PANEL'S RECOMMENDATION TO BUILD THE NEW CENTRAL ANIMAL SHELTER ON THE GAINES STREET SITE; (2) AUTHORIZE THE CITY MANAGER TO INVESTIGATE THE PROPOSED RE-CONSTRUCTION AND EXPANSION OF THE CENTRAL ANIMAL SHELTER AT 5480 GAINES STREET TOGETHER WITH THE ADJACENT CITY-OWNED LAND SITE 119 AND BRING RECOMMENDED ACTIONS BACK TO THE CITY COUNCIL FOR REVIEW; (3) AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND RETURN TO THE CITY COUNCIL WITHIN 60 DAYS WITH A CONCEPTUAL FINANCING PLAN WITH THE COUNTY OF SAN DIEGO FOR THE CONSTRUCTION AND COMPLETION OF THE NEW SHELTER. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-151: Two actions related to La Jolla Children's Pool Beach Management and Water Quality Improvement Project and Certifying Mitigated Negative Declaration LDR-98-0671.

(See City Manager Reports CMR-98-99 and CMR-98-29. La Jolla and La Jolla Shores Community Areas. District-1.)

TODAY'S ACTION ARE:

Adoption of the following resolutions:

Subitem-A: (R-99-958 Cor. Copy) CONTINUED TO MARCH 29, 1999

Authorizing the City Manager to proceed with the project to restore the beach width in La Jolla Children's Pool to that present in 1941 by removing approximately 3,000 cubic yards of sand for disposal at either Marine Street or north La Jolla Shores beach;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$40,000 from General Fund 100, Department 442, Park and Recreation Coastal Division.

Subitem-B: (R-99-962 Cor. Copy) CONTINUED TO MARCH 29, 1999

Certifying that the information contained in Mitigated Negative Declaration LDR-98-0671, La Jolla Children's Pool Dredging (Project), has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said declaration reflects the independent judgement of the City, and that said report has been reviewed and considered by the Council.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/6/98, NR&C voted 4-1 to approve directing the City Manager to apply for a Coastal Development Permit to remove sand and open the sluiceways at the Children's Pool beach, and to deposit the sand at La Jolla Shores beach. (Councilmembers Mathis, Wear, Kehoe, Warden voted yea. Councilmember Stallings voted nay.)

CITY MANAGER SUPPORTING INFORMATION:

On May 6, 1998, the Natural Resources and Culture Committee considered City Manager's Report No. 98-88 and voted 4:1 to recommend the City Council approve directing the City Manager to apply for a Coastal development permit to remove sand and open the sluiceways at Children's Pool beach, and to deposit the sand at La Jolla Shores beach. Subsequently, environmental analyses have been conducted and a final Mitigated Negative Declaration prepared. The objective of this action is to restore the shared use of Children's Pool by people and harbor seals. Approximately three thousand cubic yards of sand will be removed from Children's Pool beach and deposited either on Marine Street beach or on north La Jolla Shores. This will restore the Children's Pool beach width to its design configuration consisting of a large "pool" of water. The water entry point for public use will be set back from a rip current located at the end of the breakwater making the use of Children's Pool by swimmers safer. The reduced beach width will also increase competition for space between humans and harbor seals which may decrease the number of seals hauling out on Children's Pool beach which could result in sufficiently reducing fecal coliform counts to the point that the prohibition on human contact with the pool waters can be lifted. Consistent with Committee direction, permit applications are in process with the California Coastal Commission, Army Corps of Engineers, and the National Marine Fisheries Service. Work is targeted to be completed by the start of the summer season.

Aud. Cert. 9900942.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C265-F351.)

Motion by Mathis to adopt the resolutions certifying the environmental document and approving the Manager's recommendation which is to go forward with the project.
Second by Wear. Failed. Yeas-1247; Nays-568M; 3-not present.

Substitute motion by Vargas to require an environmental impact report on the project before anything gets done. No second. Motion withdrawn.

MOTION BY COMMON CONSENT TO CONTINUE THIS ITEM TO MARCH 29, 1999, DUE TO A LACK OF FIVE AFFIRMATIVE VOTES. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: Two actions related to the Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report P 98-192. Public Facilities Financing Plan and FBA, Second Draft FY 1999. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-723) ADOPTED AS RESOLUTION R-291366

Designating an area of benefit in Carmel Valley; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in the Facilities Benefit Assessments; and ordering the proposed Public Facilities Project in the matter of the Carmel Valley Facilities Benefit Assessment Area.

Subitem-B: (R-99-724) ADOPTED AS RESOLUTION R-291367

Declaring that the assessment fee schedule contained in the Carmel Valley Public Facilities Financing Plan, as adopted and approved in Resolution R-291181, is an appropriate and applicable Development Impact Fee.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 9/30/98, the LU&H voted 5-0 to approve on consent. (Councilmembers Mathis, Stevens, Stallings, McCarty and Vargas voted yea.)

FILE LOCATION: Subitems A,B: STRT - FB-8 (33)

COUNCIL ACTION: (Tape location: B278-424.)

Hearing began at 3:21 p.m. and halted at 3:30 p.m.

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201: Auto Zone Store #2826.

Matter of a Rezone and Planned Commercial Development Permit No. 96-7615 in the Otay Mesa-Nestor Community Planning area.

(RZ/PCD-96-7615. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A; introduce Subitem B and adopt Subitem C to grant the permit:

Subitem-A: (R-99-1033 Cor. Copy) CONTINUED TO MAY 24, 1999

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration LDR-96-7615 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration reflects the independent judgment of the City of San Diego as Lead Agency. Stating for the record that the final negative declaration has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-99-93) CONTINUED TO MAY 24, 1999

Introduction of an Ordinance rezoning a 1.0 acre site from A1-10 to CA zone in the Otay Mesa-Nestor Community Planning Area.

Subitem-C: (R-99-) CONTINUED TO MAY 24, 1999

Adoption of a Resolution granting or denying the permit, with appropriate findings to support Council action.

CITY MANAGER SUPPORTING INFORMATION:

The project proposes for the development of a one-story 8,521 sq. ft. commercial building for retail use through a Planned Commercial Development Permit in conjunction with a rezone of the 1.0 acre site from the A1-10 zone to the CA zone.

The 1.0 acre site is zoned A-1-10 and is designated commercial mixed use by the Otay Mesa-Nestor Community Plan. Also, the Otay Mesa-Nestor Community Plan identifies the subject property as being within the Iris Avenue Mercado. The Iris Avenue Mercado identifies areas which are suitable for small scale commercial projects with the implementation of Transit Oriented Development Guidelines (TOD).

The lot currently contains four sheds and two small buildings all of which would be demolished. A well that is used for domestic purposes is located on the northern portion of the site and will be abandoned.

Properties to the north and south are designated commercial mixed-use and zoned A-1-10 (agricultural). Property to the east is designated low-medium density residential and zoned R-1-5000 (residential). The property to the west is designated commercial mixed-use and zoned M1-B (industrial). Surrounding land uses are commercial uses to the north and south, single family residences to the east and a trolley station to the west.

LEGAL DESCRIPTION:

The subject property is located at 3167 Beyer Boulevard between Beyer Boulevard and 30th Street and is more particularly described as a portion of the Southwest Quarter of Southwest Quarter of Section 26, Township 18 South, Route 2 West, San Bernardino Meridian within the Otay Mesa-Nestor Community Planning area.

FILE LOCATION: Subitems A,C: PERM - 96-7615 (65)
Subitem B: NONE

COUNCIL ACTION: (Tape location: F357-577.)

Hearing began at 6:18 p.m. and halted at 6:30 p.m.

Testimony in opposition by Eloise A. Joyner, Wayne Brekke, and Victor Cherniak.

Testimony in favor by Rudy Fierro.

MOTION BY VARGAS TO CONTINUE TO THE CLOSEST MEETING IN 60 DAYS FOR FURTHER REVIEW REGARDING ACCESS TO THE PROPERTY. Second by McCarty. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202: In the matter of directing the City Manager to negotiate on a real property transaction with representatives of the Stephen and Mary Birch Foundation pertaining to Assessor Parcel 533-524-11.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket for public testimony.

TODAY'S ACTION IS: REFERRED TO CLOSED SESSION

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on March 23, 1999.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO REFER THE ITEM TO CLOSED SESSION ON MARCH 23, 1999. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203: Exempting One Assistant Deputy Director Position, to Serve as Storm Water Administrator, from the Classified Service.

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing of the following ordinance:

(O-99-99) HEARING HELD

First public hearing of an Ordinance amending Ordinance No. O-18551 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1998-1999 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year," to add one Assistant Deputy Director position to serve as the Storm Water Administrator in the Transportation Department and Exempting the position from the Classified Service.

NOTE: This ordinance requires two public hearings pursuant to Sections 16, 17 and 71 of the City Charter. Today's action is the first public hearing. See Item 341 on the docket of Tuesday, March 23, 1999 for the second public hearing and introduction and adoption of the Ordinance.

CITY MANAGER SUPPORTING INFORMATION:

The new Regional Stormwater Pollution Control Permit is currently being drafted by the Regional Water Control Board. This permit can have far reaching budget and operating effects on the City. The permit will make requirements on businesses and residents which can be expensive and difficult to comply with. A new Assistant Deputy Director position is proposed to serve as the prime negotiator of the permit, attempting to effectively reduce stormwater pollution while avoiding costly and unpopular rules and programs that tend to create a negative opinion of attempts to improve regional water quality. The Stormwater Manager will also lead the City's stormwater quality testing program, investigation and enforcement of reported legal discharges, as well as a water pollution prevention education and advertising program. The position will also work closely with local environmental groups, regional, state and federal; environmental agencies, storm drain maintenance personnel, and other departments regarding the Stormwater Pollution Control Program.

This position is recommended to be at the Unclassified level due to the complexity of the position's responsibilities, and the potential negative effects to the community of the failure to effectively negotiate the permit language and the implementation of the regional permit.

WORKING TITLE: Stormwater Administrator

NO. OF POSITIONS: 1

CLASSIFICATION: Assistant Deputy Director

DEPARTMENT: Transportation

On February 4, 1999 the Civil Service Commission reviewed this recommendation and voted unanimously in support of exempting this position from the Classified Service.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO APPROVE THE FIRST HEARING. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204: Request to Exempt a Program Manager for the Police Fleet from the Classified Service.

CITY MANAGER'S RECOMMENDATION:

First public hearing in the matter of:

(O-99-98) HEARING HELD

First public hearing in the matter of an Ordinance amending Ordinance O-18551 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1998-99 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-18551, to exempt from the Classified Service the position of Program Manager for the Police Fleet in the Police Department.

NOTE: See Item 342 on the docket for Tuesday, March 23, 1999 for the introduction and adoption of the ordinance. Today's action is the first public hearing.

CITY MANAGER SUPPORTING INFORMATION:

On February 4, 1999, the Civil Service Commission reviewed a recommendation from the Chief of Police to exempt from the Classified Service a Program Manager for the Police Fleet. The Fleet Manager has managerial responsibility over the selection, acquisition, distribution, tracking maintenance and disposition of a fleet of approximately 1,400 intensive use vehicles. The Manager directs a staff of 80 employees located at nine police facilities throughout the City. The Manager is also responsible for properly safeguarding access to sensitive and confidential information while fleet personnel are interacting with officers (including undercover personnel) and/or handling specialized police vehicles and equipment. The position is vacant for the first time in 18 years and the Department considers it critical that the next incumbent possesses managerial and leadership skills in addition to knowledge and expertise in the automotive/equipment industry.

The Civil Service Commission did not support the Chief's request, stating as reasons: 1) there are two other Fleet Managers in the Transportation Department who perform essentially identical duties; and 2) the Police Fleet Manager's duties appear to be primarily technical and administrative in nature (see memorandum dated February 11, 1999). The Personnel Director's memorandum also notes that MEA and the two incumbent Fleet Managers in the Transportation Department oppose the Chief's request. It should be noted that the Fleet Manager class is not an MEA represented class, and that this is only a request to exempt the Police Department position, and not the two positions in the Transportation Department. The Police Department reporting structure is different from the Transportation Department. In the Transportation Department, two Fleet Managers report to an Unclassified Deputy Director who exclusively manages the Equipment Division. In the Police Department, the Fleet Manager reports to an Assistant Chief who has responsibility for Fleet Operations as well as Communications/Dispatch, ARJIS (Automated Regional Justice Information System), Watch Commander, Police Property and Records, and Special Projects/Facility Planning and Maintenance. The Department respectfully requests that the City Council exempt a position to assume management responsibility for this important police operation.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: F586-G085.)

ITEM-205: Authorizing Non-Exclusive Solid Waste Franchises.

(See City Manager Report CMR-99-29.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-99-91) INTRODUCED, TO BE ADOPTED APRIL 12, 1999

Introduction of an Ordinance authorizing the City Manager to execute non-exclusive solidwaste collection franchises to Daily Disposal Services, Inc., Express Waste and Roll Off Services, LLC, Emerald Waste and Recovery, Inc., and Tayman Industries, Inc., for hauling services.

NOTE: 6 votes required pursuant to Section 103 of the City Charter.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO INTRODUCE THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-206: Rubber Emulsion Aggregate Slurry Coating of Various Streets City Wide Group S-2.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-407) ADOPTED AS RESOLUTION R-291368

Inviting bids for the Rubber Emulsion Aggregate Slurry Coating of Various Streets City Wide Group S-2;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of not to exceed \$1,600,000 from Street Division Operating Fund 10440 and an amount not to exceed \$54,628 from Sorrento Valley/Carroll Canyon Subsystem, Metro Waste Water CIP-70-934.0 and an amount not to exceed \$500,000 from Gas Tax Operating Fund 302191 and an amount not to exceed \$10,000 from Sorrento Valley/Carroll Canyon Subsystem, Metro Waste Water CIP-70-934.0, to provide for work by City Forces;

Authorizing the use of City Forces for inspection services as required;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury. (BID-K99090C)

CITY MANAGER SUPPORTING INFORMATION:

This Slurry Seal contract is part of the City's FY99 annual street maintenance program. This project includes a joint agreement with the Metro Waste Water Department to provide funding for street maintenance after the completion of the Sorrento Valley/Carroll Canyon Subsystem. This type of slurry seal coating lasts longer, better resists damage from water/rain and stays black in color longer. Slurry Seals are a pavement surface treatment applied as part of a comprehensive pavement maintenance program.

It is used on streets which are in good condition to keep them in good condition. Slurry Sealing, when used in a timely manner can be effective in reducing the need for later, more expensive pavement repairs. The proposed contract provides for the sealing of approximately 105 miles throughout the City. In an effort to coordinate with underground utility work a final list of locations for this project will not be developed until just prior to the start of work which is expected to commence in March of 1999 (after the wet season). The Mayor and Council will be provided a final list of streets and any subsequent changes as soon as they are available.

Aud. Cert. 9900899.

FILE LOCATION:

CONT - Rubber Emulsion Aggregate Slurry Coating of
Various Street City Wide Group S-2
CONT - American Asphalt Repair & Resurf Co.

COUNCIL ACTION:

(Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-207: Two actions related to Inviting Bids for Water and Sewer Group 473 and Certifying Mitigated Negative Declaration DEP-94-0075.

(Old San Diego and Greater Golden Hill Community Areas. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-919) ADOPTED AS RESOLUTION R-291369

Inviting bids for Water and Sewer Group 473 on Work Orders No. 173961 and No. 183761;

Authorizing the City Manager to establish contract funding phases and execute a construction contract with the lowest responsible bidder; provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of \$2,269,209 from CIP-73-083.0, Fund No. 41500, Annual Allocation - Water Main Replacements, and \$1,559,986 from CIP-44-001.0, Fund No. 41506, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Authorizing the use of City Forces as required to make connections and perform operational checks; declaring that the cost of the work by City Forces shall not exceed \$490,366 from CIP-73-083.0, Fund No. 41500, Annual Allocation - Water Main Replacements. (BID-K99097C)

Subitem-B: (R-99-920) ADOPTED AS RESOLUTION R-291370

Certifying that the information contained in Mitigated Negative Declaration DEP-94-0075, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration reflects the independent judgement of the City as Lead Agency and that the information contained, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with approval of Water and Sewer Group 473;

Finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required in order to mitigate or avoid significant effects on the environment.

CITY MANAGER SUPPORTING INFORMATION:

This project is part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program. Sewer and Water Replacement Group 473 proposes to replace approximately 8,675 linear feet of old and deteriorated, 6 inch concrete sewer mains and approximately 8,430 linear feet of deteriorated, 6-inch cast iron water mains in the Golden Hill community area. This project will also replace approximately 2,050 linear feet of deteriorated, 6-inch cast iron water mains in the Old San Diego community area.

WWF-99-344.

FILE LOCATION: Subitems A,B: W.O. 173961/183761, CONT - Pacific Alliance Contractors

COUNCIL ACTION: (Tape location: B278-424.)

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:56 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: G282).